

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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|--------------------------------|---|--------------------------|
| VISION BIOSYSTEMS (USA) |) | |
| TRADING INC., |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 03-CV-10391-GAO |
| VENTANA MEDICAL SYSTEMS, INC., |) | |
| Defendant. |) | |
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| VENTANA MEDICAL SYSTEMS, INC., |) | |
| Plaintiff, |) | |
| v. |) | C.A. No. 05-CV-10614-GAO |
| VISION BIOSYSTEMS, INC., |) | |
| Defendant. |) | |

**NOTICE BY VISION BIOSYSTEMS OF WITHDRAWAL
OF ITS MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT
BASED ON COLLATERAL ESTOPPEL (D.I. 130 IN 03-10391; D.I. 29 IN 05-10614)**

Vision Biosystems Inc. (formerly known as Vision Biosystems (USA) Trading Inc.) ("Vision") respectfully withdraws its Motion for Summary Judgment of Non-Infringement Based on Collateral Estoppel filed October 7, 2005 (D.I. 130 in 03-10391; D.I. 29 in 05-10614). Counsel for Vision has consulted counsel for Ventana Medical Systems, Inc. ("Ventana"), and Ventana does not object to this withdrawal.

Respectfully submitted,

Dated: February 20, 2007

/s/ Pamela Zorn Adams

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